



January 25, 2002

SENATE BILL No. 246

DIGEST OF SB 246 (Updated January 23, 2002 10:51 AM - DI 107)

Citations Affected: IC 12-17.2.

Synopsis: Criminal histories of child care providers. Prohibits reimbursement through the federal Child Care and Development Fund voucher program and licensure of certain child care providers based on criminal histories of providers, employees, volunteers, and household members.

Effective: July 1, 2002.

Lawson C, Waterman, Breaux

January 7, 2002, read first time and referred to Committee on Health and Provider Services.
January 24, 2002, reported favorably — Do Pass.

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SB 246—LS 6806/DI 97+



January 25, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 246

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-17.2-3.5-4, AS ADDED BY P.L.247-2001,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2002]: Sec. 4. A provider who:

4 (1) has been convicted of a:

5 (A) felony; or

6 (B) **misdemeanor related to the health or safety of a child;**

7 **or**

8 (2) fails to meet the requirements set forth in sections 5 through
9 12 of this chapter;

10 is ineligible to receive a voucher payment.

11 SECTION 2. IC 12-17.2-3.5-12, AS ADDED BY P.L.247-2001,
12 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2002]: Sec. 12. (a) A provider shall, at the provider's expense,
14 provide to the voucher agent a copy of a limited criminal history for:

15 (1) the provider;

16 (2) if the provider provides child care in the provider's home, any
17 individual who resides with the provider and who is:

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- 1 (A) at least eighteen (18) years of age; or
 2 (B) less than eighteen (18) years of age but has previously
 3 been waived from juvenile court to adult court; and
 4 (3) any individual who is employed at the facility where the
 5 provider provides child care.
 6 (b) In addition to the requirement under subsection (a), a provider
 7 shall report to the voucher agent any:
 8 (1) police investigations;
 9 (2) arrests; and
 10 (3) criminal convictions;
 11 not listed on a limited criminal history provided under subsection (a)
 12 regarding any of the persons listed in subsection (a).
 13 **(c) A provider that meets the other eligibility requirements of**
 14 **this chapter is temporarily eligible to receive voucher payments**
 15 **until the provider receives the limited criminal history required**
 16 **under subsection (a) from the state police department if:**
 17 **(1) the provider:**
 18 **(A) has applied for the limited criminal history required**
 19 **under subsection (a); and**
 20 **(B) obtains a local criminal history for the individuals**
 21 **described in subsection (a) from each individual's local law**
 22 **enforcement agency; and**
 23 **(2) the local criminal history does not reveal that an**
 24 **individual has been convicted of a:**
 25 **(A) felony; or**
 26 **(B) misdemeanor related to the health or safety of a child.**
 27 **(d) A provider is ineligible to receive a voucher payment if an**
 28 **individual for whom a limited criminal history is required under**
 29 **this section has been convicted of a:**
 30 **(1) felony; or**
 31 **(2) misdemeanor related to the health or safety of a child;**
 32 **until the individual is dismissed from employment at the facility or**
 33 **no longer resides with the provider.**
 34 SECTION 3. IC 12-17.2-4-3 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) An applicant
 36 must apply for a child care center license on forms provided by the
 37 division.
 38 (b) An applicant must submit the required information as part of the
 39 application.
 40 (c) The applicant must submit with the application a statement
 41 attesting that the applicant:
 42 (1) has not been convicted of:



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- 1 (A) a felony; or
 2 (B) a misdemeanor relating to the health ~~and~~ or safety of
 3 children; and
 4 (2) has not been charged with:
 5 (A) a felony; or
 6 (B) a misdemeanor relating to the health ~~and~~ or safety of
 7 children;
 8 during the pendency of the application.
 9 (d) An applicant must submit the necessary information, forms, or
 10 consents for the division to conduct a criminal history check.
 11 (e) The applicant must do the following:
 12 (1) Conduct a criminal history check of the applicant's employees
 13 and volunteers.
 14 (2) Maintain records of each criminal history check.
 15 SECTION 4. IC 12-17.2-4-5 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. (a) The following
 17 constitute sufficient grounds for a denial of a license application:
 18 (1) A determination by the division of child abuse or neglect (as
 19 defined in IC 31-9-2-14) by the applicant.
 20 (2) A criminal conviction of **the applicant, or of an employee or**
 21 **a volunteer of the applicant, of** any of the following:
 22 (A) A felony.
 23 (B) A misdemeanor related to the health ~~and~~ or safety of a
 24 child.
 25 (3) A determination by the division that the applicant made false
 26 statements in the applicant's application for licensure.
 27 (4) A determination by the division that the applicant made false
 28 statements in the records required by the division.
 29 (b) **Notwithstanding subsection (a)(2), if:**
 30 (1) **a license application is denied due to a criminal conviction**
 31 **of an employee or a volunteer of the applicant; and**
 32 (2) **the division determines that the employee or volunteer has**
 33 **been dismissed by the applicant;**
 34 **the criminal conviction of the former employee or former**
 35 **volunteer does not require denial of a license application.**
 36 SECTION 5. IC 12-17.2-4-32 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 32. (a) The following
 38 constitute sufficient grounds for revocation of a license:
 39 (1) A determination by the division of child abuse or neglect (as
 40 defined in IC 31-9-2-14) by the licensee.
 41 (2) A criminal conviction of **the licensee, or of an employee or**
 42 **a volunteer of the licensee, of** any of the following:

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(A) A felony.

(B) A misdemeanor related to the health or safety of a child.

(3) A determination by the division that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the division that the licensee made false statements in the records required by the division.

(b) Notwithstanding subsection (a)(2), if:

(1) a license is revoked due to a criminal conviction of an employee or a volunteer of the licensee; and

(2) the division determines that the employee or volunteer has been dismissed by the licensee; the criminal conviction of the former employee or former volunteer does not require revocation of a license.

SECTION 6. IC 12-17.2-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) An applicant must apply for a child care home license on forms provided by the division.

(b) An applicant must submit the required information as part of the application.

(c) An applicant must submit with the application a statement attesting that the applicant has not been:

(1) convicted of:

(A) a felony; or

(B) a misdemeanor relating to the health ~~and~~ or safety of children; and

(2) charged with:

(A) a felony; or

(B) a misdemeanor relating to the health ~~and~~ or safety of children;

during the pendency of the application.

(d) An applicant must submit the necessary information, forms, or consents for the division to conduct a criminal history check on the applicant and the applicant's spouse.

(e) An applicant must do the following:

(1) Conduct a criminal history check of the applicant's employees, volunteers, and all household members who are:

(A) at least eighteen (18) years of age; or

(B) less than eighteen (18) years of age but have previously been waived from juvenile court to adult court.

(2) Maintain records of each criminal history check.

SECTION 7. IC 12-17.2-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) The following

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constitute sufficient grounds for a denial of a license application:

(1) A determination by the division of child abuse or neglect (as defined in IC 31-9-2-14) by the applicant.

(2) A criminal conviction of **the applicant, of an employee or a volunteer of the applicant, or of a member of the applicant's household, of** any of the following:

(A) A felony.

(B) A misdemeanor related to the health ~~and~~ or safety of a child.

(3) A determination by the division that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the division that the applicant made false statements in the records required by the division.

(b) Notwithstanding subsection (a)(2), if:

(1) a license application is denied due to a criminal conviction of:

(A) an employee or a volunteer of the applicant; or

(B) a member of the applicant's household; and

(2) the division determines that the:

(A) employee or volunteer has been dismissed by the applicant; or

(B) member of the applicant's household is no longer a member of the applicant's household;

the criminal conviction of the former employee, former volunteer, or former member does not require denial of a license application.

SECTION 8. IC 12-17.2-5-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 32. **(a)** The following constitute sufficient grounds for revocation of a license:

(1) A determination by the division of child abuse or neglect (as defined in IC 31-9-2-14) by the licensee.

(2) A criminal conviction of **the licensee, of an employee or a volunteer of the licensee, or of a member of the licensee's household, of** any of the following:

(A) A felony.

(B) A misdemeanor related to the health or safety of a child.

(3) A determination by the division that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the division that the licensee made false statements in the records required by the division.

(b) Notwithstanding subsection (a)(2), if:

(1) a license is revoked due to a criminal conviction of:

(A) an employee or a volunteer of the licensee's; or

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- 1 **(B) a resident of the licensee's household; and**
2 **(2) the division determines that the:**
3 **(A) employee or volunteer has been dismissed by the**
4 **licensee; or**
5 **(B) member of the licensee's household is no longer a**
6 **member of the licensee's household;**
7 **the criminal conviction of the former employee, former volunteer,**
8 **or former member does not require revocation of a license.**

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SENATE MOTION

Mr. President: I move that Senator Waterman be added as coauthor of Senate Bill 246.

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SENATE MOTION

Mr. President: I move that Senator Breaux be added as coauthor of Senate Bill 246.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 246, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 246 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 9, Nays 0.

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